

### **REMARKS**

This Amendment responds to the Office Action mailed March 25, 2008. Claims 1-29 remain pending in the Application and stand rejected. Claims 1, 7, 9, and 20-24 have been amended herein, and claims 27-29 have been canceled.

Applicant thanks Examiners Janice A. Mooneyham and Debra L. Antonienko for the telephone interview conducted June 20, 2008, with Applicant's representative, David W. Dorton. During the interview, the rejections of claims under 35 U.S.C. §112 were discussed. The Examiners indicated that proposed amendments to the claim language were likely to overcome these rejections. Applicant respectfully requests reconsideration in view of the following remarks.

### **Objections to the Claims**

Claims 7 and 23 were objected to as allegedly being substantial duplicates of claim 1. Applicant respectfully traverses these objections. Specifically, Applicant notes that claim 7 does not require a checkout location within a store enclosure, as recited in claim 1. Claim 23 is similar to claim 1, but further recites that the furniture groupings and accessories are "arranged as at least portions of each of a plurality of rooms of a house or other residence." Claim 1 contains no such limitation. For at least these reasons, Applicant respectfully requests that the objections to claims 7 and 23 be withdrawn.

Claim 27 was objected to as being substantially duplicate of claim 25. Claim 27 has been canceled herein without prejudice, and reserving the right to pursue this claim in a continuation application. Accordingly, the objection to claim 27 is rendered moot.

#### **Claims Rejected Under 35 U.S.C. §112**

Claims 1, 7, 9, and 20-24 stand rejected under 35 U.S.C. §112, second paragraph, for informalities related to claim language. Claims 1, 7, 9, and 20-24 have been amended herein to address these informalities. During the telephone interview, the Examiners indicated that these amendments were likely to overcome the rejections. Accordingly, Applicant respectfully requests that the rejections of these claims under 35 U.S.C. §112 be withdrawn.

#### **Claims Rejected Under 35 U.S.C. §102**

Claims 17, 20, and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Whitmore, Andy; The Corporate Report (Kansas City, MO, US), v15, n6, s1, p46, June 1989: "Downtown Revival,"* (hereinafter referred to as "Whitmore"). Claim 17 is the only independent claim of this rejected group and is directed to a method of displaying furniture and accessories for retail sale, comprising:

arranging a retail furniture display with furniture groupings decorated and positioned to identify customers of different lifestyles by attracting those customers on the basis of the corresponding lifestyle to different areas of a store; and

arranging furniture accessories and other non-furniture products in the store for display by locating products among the different areas in accordance with the marketability of

such products to the customers so attracted to the respective areas.

Applicant respectfully traverses the rejection of claim 17 because Whitmore fails to disclose "attracting those customers on the basis of the corresponding lifestyle to different areas of a store." Rather; Whitmore only discloses the "gallery" approach to furniture display wherein "furniture is displayed as it would be grouped in someone's home." (Whitmore at paragraph 21.) There is no discussion whatsoever in Whitmore about arranging furniture of different lifestyles in different areas of a store. Accordingly, a store arranged according to Whitmore may include, for example, room displays of living room furniture grouped together in the store, regardless of lifestyle. For at least this reason, Applicant respectfully requests that the rejection of claim 17 over Whitmore be withdrawn.

Claims 20 and 22 each depend from independent claim 17 and are in condition for allowance for at least the reasons discussed above with respect independent claim 17. Applicant further traverses the rejection of claim 22 because Whitmore does not disclose determining "what furniture accessories and other non-furniture products may be marketable to the customers so attracted to the respective areas of the store," as recited in claim 22. Rather, Whitmore only discloses grouping objects to be displayed based on how they would be used in their intended environment. For at least these additional reasons, Applicant respectfully requests that the rejections of claim 20 and 22 over Whitmore be withdrawn.

Claims 28 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Retail Ideas, "Displays are at the Heart of Furniture"*, <http://www.furnituretoday.com/ri/rimerd26.html>, downloaded May 10, 2002. Claims 28 and 29 have been canceled herein without prejudice, and reserving the right to pursue these claims in a continuation application. Accordingly, the rejections of claims 28 and 29 are rendered moot.

### **Claims Rejected Under 35 U.S.C. §103**

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Whitmore in view of *Kelly, Mary Ellen; Discount Store News*, v28, n19, p11(2), October 16, 1989: "A Surprisingly New Style for Sears," (hereinafter referred to as "Kelly"). Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Whitmore in view of *Bonk, Eugene T.; Journal of Small Business Management*, v34, n1, pp71-77, January 1986: "The Information revolution and its impact on SME strategy," (hereinafter referred to as "Bonk").

Claims 18, 19 and 21 each depend from independent claim 17 and are in condition for allowance for at least the reasons discussed above with respect to independent claim 17, and because Kelly and Bonk fail to cure these deficiencies. Specifically, neither Kelly nor Bonk discloses arranging furniture in different areas of a store according to a particular lifestyle and attracting customers on the basis of that lifestyle to the different areas of the store. Rather, Kelly describes a store layout wherein types of furniture are arranged together, regardless of lifestyle.

For instance, a robotic Red Riding Hood and a wolf dressed in grandmother's clothing are stationed at the entrance of a juvenile furniture vignette. A functioning Wurlitzer jukebox is against the back wall of an area merchandising dinette sets. A rough and ready jeep appears to be driving out of the ready-to-assemble furniture area. (See Kelly at paragraph 17.)

Bonk discloses gathering data on customer needs. Applicant further traverses the rejection of claim 21 because Bonk does not disclose "employing computerized marketing data correlation techniques to identify what furniture accessories and other non-furniture products may be marketable to the customers," as recited in claim 21. Rather, Bonk only discloses "giving design responsibilities to customers. This will be supported by an information network that gathers data on markets, customer needs, newest design and production methods, etc." (See Bonk at paragraph 11.) For at least the reasons discussed above, Applicant respectfully requests that the rejections of claims 18, 19, and 21 be withdrawn.

Claims 1, 7, 8, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly in view of *Broderick, J. Raymond; Geyer's Office Dealer, v154, n11, p64(2), November 1989: "It doesn't come cheap, so use retail space wisely,"* (hereinafter referred to as "Broderick"). Claims 1, 7, and 23 are the only independent claims of this rejected group and each recites an array of intersecting aisles within the display area "providing pedestrian access to, from and among each of the pods." Applicant respectfully traverses the rejections of claims 1, 7, and 23 because Kelly fails to disclose each and every element recited in claims 1, 7, and 23, and Broderick fails to cure these deficiencies. Specifically, the Examiner admits that Kelly fails to disclose the

array of intersecting aisles as recited in claims 1, 7, and 23. Broderick also does not disclose a store with an array of aisles to, from and among each of the pods. Rather, Broderick only generally discloses laying out a store to establish a flow of customer traffic, and gives specific examples of unobstructed access. There is no disclosure in Broderick of intersecting aisles providing pedestrian access to, from and among each of the pods in a display area. For at least these reasons, Applicant respectfully request that the rejections of claims 1, 7, and 23 over Kelly and Broderick be withdrawn.

Claim 8 depends from independent claim 7 and is therefore in condition for allowance for at least the reasons discussed above with respect to independent claim 7. Accordingly, Applicant respectfully requests that the rejection of claim 8 over Kelly and Broderick be withdrawn.

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick in further view of *Garet, Barbara; Wood & Wood Products, v98, n5, p39(3), April 1993: "Taking the mystery out of furniture manufacturing,"* (hereinafter referred to as "Garet") and *Gilbert, Les; HFD-The Weekly Home Furnishings Newspaper, v63, n37, p8(3), September 11, 1989: "Merchandising By Video: interactive electronic kiosks: the wave of the future?"* (hereinafter referred to as "Gilbert"). Claim 2 depends from independent claim 1. Applicant respectfully traverses the rejection of claim 2 because the combination of Kelly and Broderick fails to cure the deficiencies of claim 1 discussed above, and because the further combination of Kelly and Broderick with Garet and Gilbert fails to cure these deficiencies. Specifically, Garet discusses the use of various media to explain furniture

manufacturing in a museum dedicated to furniture manufacturing. Garet does not disclose the use of such media in a retail store. Similarly, Gilbert discusses the use of interactive electronic kiosks to compliment sales and does not disclose the use of an informational display depicting facts relating to a retail entity associated with the store, as set forth in claim 2. For at least these reasons, Applicant respectfully requests that the rejection of claim 2 be withdrawn.

Claims 3 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick in further view of *Szymanski, Jim; The News Tribune, pD1, May 3, 2000: "Selden's to open midprice outlet,"* (hereinafter referred to as "Szymanski"). Claims 3 and 13 depend from independent claims 1 and 7 respectively, and are in condition for allowance for at least the reasons discussed above with respect to claims 1 and 7, and because the further combination with Szymanski fails to cure these deficiencies. Specifically, Szymanski does not disclose an array of aisles providing access to, from and among each of the pods and a design center location within a store. Rather, Szymanski only discloses that a store's display will encircle a design center. (See Szymanski at paragraph 9.) For at least these reasons, Applicant respectfully requests that the rejection of claims 3 and 13 be withdrawn.

Claims 4, 5, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick in further view of *Palmer, Kelly; Springfield Business Journal (Springfield, MO, US), v11, n16, s1, p1, November 5, 1990: "Mulhollan to Open Second Store, Expand Product Line,"* (hereinafter referred to as "Palmer"). Claims 4 and 5 each depend from independent claim 1, and claims 14

and 15 each depend from independent claim 7. Applicant respectfully traverses the rejections of claims 4, 5, 14, and 15 for at least the reasons discussed above with respect to independent claims 1 and 7, and because the further combination with Palmer fails to cure these deficiencies. Specifically, Palmer only discusses a new store having an office and a mezzanine. Palmer does not disclose an office area and an array of intersecting aisles providing pedestrian access to, from and among each of the pods and the office area, as set forth in claims 4 and 14, or to, from and among each of the pods, the design center, and the office area, as set forth in claims 5 and 15. For at least these reasons, Applicant respectfully requests that the rejections of claims 4, 5, 14, and 15 be withdrawn.

Claims 6 and 16 stand under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick in further view of *Engel, Clint; Furniture Today*, p6, August 24, 1998: "Ikea's big Chicago store to feature three homes," (hereinafter referred to as "Engel"). Claim 6 depends from independent claim 1, and claim 16 depends from independent claim 7. Applicant respectfully traverses the rejections of claims 6 and 16 for at least the reasons discussed above with respect to independent claims 1 and 7 and because Engel fails to cure these deficiencies. Engel reports the opening of a store that incorporates full-home displays within the store itself. There is no disclosure of an array of intersecting aisles providing pedestrian access to, from, and among pods containing furnishings of different lifestyles. Applicant further traverses the rejections of claims 6 and 16 because Engel fails to disclose pods of different lifestyles each having partitions "internal to the pods dividing the pods physically and visually into a plurality of



rooms," as set forth in claim 6 and 16. Rather, the full-house displays discussed in Engel may include furnishings of different lifestyles grouped together. For example, a full-house display may have adjacent rooms containing furniture of different lifestyles. For at least these reasons, Applicant respectfully requests that the rejections of claims 6 and 16 be withdrawn.

Claims 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick in further view of *Herlihy, Janet, HFH, The Weekly Newspaper for the Home Furnishing Network, p28(1), October 26, 1998: "Rugs Gain Ground at Ikea,"* (hereinafter referred to as "Herlihy"). Claims 9-12 each depend from independent claim 7, and are in condition for allowance for at least the reasons discussed above with respect to independent claim 7, and because Herlihy fails to cure these deficiencies. Specifically, Herlihy is directed to a retail rug showroom and does not disclose an array of intersecting aisles within a display area providing pedestrian access to, from and among a plurality of pods, each pod being identifiable with one of a plurality of different lifestyles. Applicant further traverses the rejections of claims 11 and 12 because Herlihy does not disclose informational displays relating to the store or business of the store or the manufacture of products, as recited in claim 11 or an informational display diagrammatically depicting a process of manufacturing furniture as set forth in claim 12. Applicant notes that the Examiner refers to claim 2, discussed above, but that the rejections of claims 9-12 are not based on combinations with Garet or Gilbert. For at least the reasons discussed above, Applicant respectfully requests that the rejections of claims 9-12 be withdrawn.

Claims 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kelly and Broderick. Claim 24 is the only independent claim of this rejected group and is directed to a retail furniture store, comprising:

a plurality of pods, each pod corresponding to a furnished room decorated according to a respective lifestyle;

a plurality of aisles segmenting the plurality of pods into a plurality of sets of one or more related pods; and

a corresponding furniture display located adjacent each set of related pods, each corresponding furniture display selected to be mutually compatible in design with the corresponding set of related pods.

Applicant respectfully traverses the rejection of claim 24 because Kelly fails to disclose each and every element recited in claim 24, and the further combination with Broderick fails to cure these deficiencies. Specifically, the Examiner admits that Kelly does not disclose "a plurality of aisles segmenting the plurality of pods into a plurality of sets of one or more related pods." (See Office Action at page 11.) Broderick discusses a general layout of a retail store to establish a flow of customer traffic, but does not disclose aisles that segment a plurality of pods into a plurality of sets of one or more related pods, as set forth in claim 24. Neither Kelly nor Broderick discloses a furniture display located adjacent a set of related pods and having a design associated with the corresponding set of related pods, as set forth in claim 24. For at least these reasons, Applicant respectfully requests that the rejection of claim 24 be withdrawn.

Claims 25-27 each depend from independent claim 24 and are in condition for allowance for at least the reasons discussed above with respect to independent claim

24. Accordingly, Applicant respectfully requests that the rejections of claims 25-27 be withdrawn.

### **Conclusion**

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicant believes this application is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that no fee is due as a result of this communication. However, if any fee is due, please apply such fees or credits necessary to complete this communication to Deposit Account No. 23-3000.

Respectfully submitted,

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